



**DEPARTMENT OF CORRECTIONS
YOUTH COMMUNITY CORRECTIONS BUREAU
POLICY**

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Section 7: Offender Restitution	Revision Date: 11-06-06, 11-23-07, 01-06-09
Applicable ACA Standards: 2-7065	
Signature: /s/ Karen Duncan	Effective Date: 01-09-06
Signature: /s/ Steve Gibson	

I. POLICY:

It is the policy of the Youth Community Corrections (YCC) bureau to establish standard procedures for the collection and accounting of reasonable restitution as ordered by the youth court or required by the Department. The Department recognizes that restitution assists in the mission of holding youth accountable as well as recognizing victims' rights. This policy will be reviewed annually and updated as needed.

II. APPLICABILITY:

All YCC facilities and programs

III. DEFINITIONS:

Court-Ordered Restitution and Associated Financial Obligations - any financial payments or services paid in response to a Youth Court Order with a specific condition of the order for the youth to pay a designated amount toward restitution, fines, fees and other costs.

Department-Required Restitution - any financial payment or services required by a Department program or facility to pay for loss and/or damage to state property caused by a youth.

Restitution - financial payments or services to a victim when these payments are made pursuant to a youth court order or to the state following a facility/program requirement.

IV. BUREAU DIRECTIVES:

A. Youth Identification

Affected youth referred to in this policy are:

1. Youth who, by youth court order, are required to address restitution demands. The amount and type of restitution demanded is based on the following:
 - a. age of the youth;
 - b. ability of the youth to pay;
 - c. the ability of the parents or legal guardian to pay;
 - d. amount of damage to victim; and

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- e. legal remedies of the victim.
2. Youth who cause damage to state property or, as a result of their behavior, intentionally cause financial loss to the State during the time they are under the jurisdiction of the Department.

B. Restitution Plan

Procedure [YCC 60-8, Restitution \(Youth\)](#), includes the following

1. A percentage of all funds the youth receives while under the jurisdiction of the Department, or money earned in work programs must be paid to the youth court having original jurisdiction, or to the facility/program requiring restitution. Section [46-18-251, MCA](#), states restitution will be allocated as follows: “(2) Except as otherwise provided in [46-18-236](#)(7)(b) and this section, if a defendant is subject to payment of restitution and any combination of fines, costs, charges under the provisions of [46-18-236](#), or other payments, 50% of all money collected from the defendant must be applied to payment of restitution and the balance must be applied to other payments in the following order: (a) payment of charges imposed pursuant to [46-18-236](#); (b) payment of supervisory fees imposed pursuant to [46-23-1031](#); (c) payment of costs imposed pursuant to [46-18-232](#) or [46-18-233](#); (d) payment of fines imposed pursuant to [46-18-231](#) or [46-18-233](#); and (e) any other payments ordered by the court. (3) The money applied under subsection (2) to the payment of restitution must be paid in the following order: (a) to the victim until the victim’s unreimbursed pecuniary loss is satisfied; (b) to the crime victims compensation and assistance program in the department of justice for deposit in the state general fund until the state is fully reimbursed for compensation to the victim provided pursuant to [Title 53, chapter 9, part 1](#); (c) to any other government agency that has compensated the victim for the victim’s pecuniary loss; and (d) to any insurance company that has compensated the victim for the victim’s pecuniary loss. (4) If any fines, costs, charges, or other payments remain unpaid after all of the restitution has been paid, any additional money collected must be applied to payment of those fines, costs, charges, or other payments. If any restitution remains unpaid after all of the fines, costs, charges, or other payments have been paid, any additional money collected must be applied toward payment of the restitution.”
2. An accounting system that allows restitution paid (monetary or work-hours) to be readily calculated on an individual and facility/program level.
3. Requirements and the process for admitting youth to restitution programs.

C. Work Restitution Coordination

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All case progress reviews for youth owing cash or service restitution must include a restitution plan. The restitution procedure includes, but is not limited to the following:

1. An accounting of all youth under their specific jurisdiction who have authorized restitution demands;
2. Coordination of work programs with assigned youth;
3. Coordination of the payment of funds or work hours between the facility/program or the youth court having original jurisdiction;
4. The manner in which other income such as Social Security, Indian Allotment Funds, etc., may be used to offset restitution liability;
5. Assurance that restitution balance due is incorporated in any change of placement within the Department and is included on youth parole agreement forms signed by the youth; and
6. Advising the youth court of any owed restitution prior to finalizing a Department discharge of a youth owing court-ordered restitution. A youth owing restitution must not be granted an early discharge from the Department.

V. CLOSING:

Questions concerning this policy should be directed to the youth community corrections bureau chief.

VI. REFERENCES:

[2-15-112, MCA](#) [Duties and Powers of Department Heads](#)
[53-1-203, MCA](#) [Powers and Duties of Department of Corrections](#)
[46-18-251, MCA](#) [Allocation of Fines, Costs, Restitution, and Other Charges](#)

VII. ATTACHMENTS:

None